

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 061602-2675
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	First Named Inventor Jussi Lemiläinen	
	Art Unit 3621	Examiner Abdi, Kambiz
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p>Registration number <u>37,268</u> <u>(312) 832-4553</u> Telephone Number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>December 30, 2005</u> Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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061602-2675 (NC26017)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lemilainen et al.

Title: SIM BASED AUTHENTICATION AS PAYMENT METHOD IN PUBLIC ISP ACCESS NETWORKS

Appl. No.: 09/303,424

Filing Date: May 3, 1999

Examiner: Kambiz Abdi

Art Unit: 3621

CERTIFICATE OF MAILING
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December 30, 2005
(Date of Deposit)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the **New Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1-3, 5-10, 13-15, 17-18, 21-30, 32, and 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rai (U.S. Patent No. 6,577,643) in view of Rahmen (U.S. Patent No. 6,036,090) and further in view of Billstrom (U.S. Patent No. 5,729,537). Claims 4, 11-12, 16, 19-20, and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rai, Rahman, and Billstrom further in view of Barber (U.S. Patent 5,729,537). The rejection should be withdrawn because the prior art does not disclose, teach, or suggest the claimed invention. For example, the combination of references does not teach the user request and authorization of payment concept between first, second and packet data networks, as called for in independent claims 1, 21, 22, 24, and 26 of the subject application. Nor does the combination teach a “stored values of service units”, as called for in independent claims 22 and 24.

The subject application addresses the situation of a user's home network (first network) paying a network other than the user's home network (second network) for providing access to a packet data network through the second network where the user is anonymous and there is no roaming agreement or contract with the packet data network for the user to obtain a connection to the packet data network. As described and claimed in the subject application, this involves a series of communications between the user, the first network, and the second network authorizing and authenticating the payment. As required by the independent claims, this series of communications involves inputting a user request for authorization to the first network, transmitting the user request and an authorization of payment from the first network to the second network, transmitting authentication information from the second network to the first network, and transmitting the authentication information from the first network to the user such that the requirement for the payment is a result of communications which first originate with the user request to the first network.

The Examiner contends that Rai discloses inputting the user request, transmitting the user request and an authorization of payment from the first to the second network, transmitting authentication information from the second network to the first network, and transmitting the authentication information from the first network to the user. However, the

Examiner's position is incorrect because a contractual relationship exists between the home wireless service provider and the foreign wireless service to provide access in the system described in Rai. As such, this series of communications between the user, first network and second network claimed in the subject application does not exist in Rai. One of the problems solved by the subject application is providing this access without such a contractual relationship between the first and second networks. In the subject application, there is no roaming agreement permitting the user to be billed while roaming from the user's home network to the second network through which the user is connected to the packet data network. Rai cannot and does not describe or suggest the series of communications between the user, the first network, and the second network because Rai doesn't address the same problem

In particular, in claim 1 of the subject application, an authorization of payment is transmitted from the first network to the second network to pay for the user's access to the packet data network (*transmitting from the first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network*). Rai does not disclose or suggest this kind of "authorization of payment." While Rai may mention that the foreign network and home network are authenticated to each other for accounting and billing purposes, this does not involve transmitting authorization of payment from the first network to the second network because a roaming agreement is already in place in the Rai system. Similar limitations appear in independent claims 21, 22, 24, and 26

Neither Rahman, Billstrom, nor Barber disclose or suggest transmitting an authorization of payment from the first network to the second network to pay for the user's access to the packet data network. While Rahman does mention the situation where no roaming agreement is in place, it does not disclosure or suggest the series of communications between the user, first network, and second network claimed in the subject application. As such, the rejection of independent claims 1, 21, 22, 24 and 26, as well the corresponding dependent claims, should be withdrawn for at least this reason.

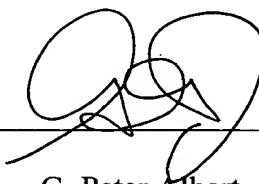
In addition, claims 22 and 24 of the subject application introduce stored values of service units which are neither disclosed or suggested by the cited prior art. These stored values of service units are described in the subject application as specifying a quantity or value of communications to the packet data network through the second network (see page 9, lines 5-7).

The examiner argues that Rai "discloses that the second network debits from a stored value of service units which have been granted to the user a number of consumed service units, which are identified in each request for consumption of at least one service unit until the number of consumed service units equals the number of granted service units." However, again the Examiner's position is incorrect. The Rai reference merely describes a system that collects accounting data and sends this data to the service provider's billing system (Col. 6 lines 27-34). This is a completely different system than the one described in the subject application which involves the second network debiting from a stored value of service units which are granted to the user a consumed number of service units. Furthermore, the accounting attributes for each registered end system described in Col. 27, line 44 – Col. 30, line 46 of the Rai reference are not "stored values of service units" as disclosed and claimed in the subject application. As such, for this additional reason, the rejection of claims 22 and 24 and the corresponding dependent claims should be withdrawn.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

By



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Date DECEMBER 30, 2005

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